

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: **Stephen John HINDE et al.**) Examiner: Huyen X. VO
Serial No.: **09/990,766**)
Filed: **November 21, 2001**) Art Unit: 2655
For: **"VOICE COMMUNICATION**
CONCERNING A LOCAL ENTITY") Our Ref: 300200342-01 US
) B-4398 619336-4
) Date: November 3, 2008
)
) Re: *Appeal to the Board of Appeals*

BRIEF ON APPEAL

Commissioner for Patents

Sir:

This is an appeal from the Final rejection, dated April 28, 2005, for the above identified patent application. This Appeal Brief is being timely filed in reply to the Order Returning Undocketed Appeal to Examiner mailed on October 22, 2008 and is intended to replace the Appeal Brief previously submitted on October 26, 2006 in support of the Notice of Appeal filed on June 30, 2005. If required, please deduct the fee set forth in 37 C.F.R. 1.17(c) for submitting this Brief from deposit account no. 08-2025.

REAL PARTY IN INTEREST

The real party in interest to the present application is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to the present application.

STATUS OF CLAIMS

Claims 1 - 12, 16, 19 – 30, 34, and 37 - 38 are pending in the application, stand rejected, are the subject of this Appeal, and are reproduced in the accompanying appendix. Claims 13 - 15, 17 – 18, 31 – 33, and 35 – 36 have been cancelled.

STATUS OF AMENDMENTS

No Amendment After Final Rejection has been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention described and claimed in the present application relates generally to providing a group of one or more local entities with a “voice” by using a voice service as a voice proxy for the entity (p. 11, ll. 17-28). When a user approaches any of these entities, the user is joined into a communications session with the voice service that is common to all other users such that at least some of the same voice-service output is heard by all users joined to the session (p. 26, l. 29 – p. 27, l. 1). This may be implemented through a session manager that detects the approach of a user and thus joins the user into the communication session, that provides voice web pages to each user, and that provides a dialog manager that determines what voice output to provide to all users joined in the session (p. 27, ll. 2-11). Each user can interact with any one entity in the group, and the session manager includes functionality to select the input from one user when users speak concurrently (p. 27, l. 29 – p. 28, l. 4).

The invention described and claimed in claim 1 is directed to a method of voice interaction with a group of one or more entities (300), comprising upon a user approaching any entity of the group, automatically initiating provision of a group-related voice service to that user (p. 20 ll. 2-5) by joining the user into a communication session (301) established for the service and common to all users of the voice service (p. 26 l. 29 - p. 27 l. 1), the voice service being hosted by a voice-service system (3) with each user that is joined to the session communicating with the voice-service system over a respective communication channel for voice input and

output (p. 27 ll. 13-25); and managing the voice service as a single common dialogue interaction with all the users joined to the session, each such user hearing at least some of the same voice-service output as all other users (p. 27 ll. 6-9, Fig. 13).

The invention described and claimed in claim 19 is directed to a system for enabling verbal communication on behalf of a group of one or more entities (300) with nearby users, the system comprising for each user (5), user-carried equipment (40) comprising an audio output arrangement (43), an audio input arrangement (43), and a communications subsystem (42) (p. 5 ll. 5-17, Fig. 6); a voice service arrangement (3) for providing a group-related voice service, the voice service arrangement comprising a communications subsystem for establishing respective communication channels with each user-carried equipment for user voice input and voice-service output, a session control arrangement (302) for joining multiple users into a communication session established for the service and common to all users of the voice service, and a dialogue interaction manager for managing the voice service as a single common dialogue interaction with all users joined to the session whereby to enable such users to contemporaneously hear at least some of the same voice-service output (p. 26 l. 29 - p. 27 l. 1, p. 27 ll. 6-9, Fig. 13); and a service initiation arrangement (292) for automatically initiating voice service delivery to a user approaching any entity of said group by causing said session control arrangement to join the user to the communication session of the voice service with a communication channel being established between the user's equipment and the voice service arrangement (p. 20 ll. 2-5, Figs. 11-13).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are patentable under 35 U.S.C. 102(b) over DE Patent No. 19747745 to Allinger (hereinafter "Allinger").

Issue 2: Whether claims 16 and 34 are patentable under 35 U.S.C. 103(a) over Allinger.

Issue 3: Whether claims 9 and 27 are patentable under 35 U.S.C. 103(a) over Allinger in view of WO 00/30329 to Scott (hereinafter "Scott").

Issue 4: Whether claims 7, 21 and 25 are patentable under 35 U.S.C. 103(a) over Allinger in view of U.S. Pat. No. 6,144,991 to England (hereinafter "England").

Appellants note that for each ground of rejection which Appellants contest herein and which applies to more than one claim, such additional claims, to the extent separately identified and argued below, do not stand or fall together.

THE ARGUMENT

Issue 1: Whether claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are patentable under 35 U.S.C. 102(b) over DE Patent No. 19747745 to Allinger (hereinafter “Allinger”).

On page 2, section 3 of the Office Action of April 28, 2005, the Examiner rejects claims 1-6, 8, 10-20, 22-24, 26, and 28-36 under 35 U.S.C. 102(b) as being anticipated by DE Patent No. 19747745 to Allinger. In particular, the Examiner finds that, with regard to independent claim 1, Allinger discloses upon a user approaching any entity of the group, automatically initiating provision of a group-related voice service to that user by joining the user into a communication session established for the service and common to all users of the voice service at p. 5, l. 33 – p. 6, l. 5. This is not correct. The passage of Allinger cited by the Examiner recites:

The system control (9) assembles, by means of the input parameters (for instance previous path and current position of the visitor, preferably also the direction in which he is looking, previous responses of the visitor to information already provided) from a database (11) with a multiplicity of individual information items stored in the system, preferably in a digitized form as hard disk, read only memory or CD ROM, an information package fitting the exhibit currently being looked at or the current position of each visitor and transmits it via the transceiver devices (10 and 5) to the communication units (4).

There is clearly nothing in this passage that can be understood as disclosing a communication session established by a voice service that is common to a plurality of users and to a plurality of entities that belong to a same group. This passage, on the contrary, clearly

teaches that each user of the Allinger system is provided with a highly personalized information package that is certainly not common to any other user, regardless of their physical proximity, because it takes into account previous factors such as previous path, previous responses, etc.

The Examiner further asserts that Allinger also discloses the voice service being hosted by a voice-service system with each user that is joined to the session communicating with the voice-service system over a respective communication channel for voice input and output at p. 5, l. 33 – p. 6, l. 5 (reproduced above) and referring to Fig. 1, “*if two visitors are at the same location at substantially the same time, both visitors would be able to listen to the voice services.*” The Examiner emphasizes this on page 2 in section 1 of the Action, wherein he asserts that “*when two or more users at a substantially the same exhibit, the system provides the same voice services for the users.*” This is simply wrong and flies in the face of Allingers’ clear and unequivocal disclosure. As already discussed above, the cited passage very explicitly teaches that each user receives a highly personalized information package that is dependent not only on the user’s current location but also each user’s previous path, current direction of sight, and previous responses to information already provided. Thus, the fact that two users may be standing elbow to elbow in front of the same exhibit is most certainly not a guarantee that they will receive the same information package (voice service) unless their previous actions since entering the museum (in which Allinger’s system operates) have been one hundred percent identical. Such mere possibility is not anticipatory of the claimed method wherein a common communication session is set up for all users and to which each user is joined merely upon approaching an entity, regardless of that user’s previous actions and interactions. The claimed method aims specifically at providing at least some common voice output to all users standing near a particular entity, which in Allinger is a mere possibility that could only be discerned by the Examiner through the application of hindsight as informed by a reading of Appellants’ present application.

The Examiner continues to find that Allinger also discloses managing the voice service as a single common dialogue interaction with all the users joined to the session, each such user hearing at least some of the same voice-service output as all other users, declaring that “*taking the fact that users can move freely through the room (page 4), two or more users can be at the same place viewing the same exhibit at the same time. And thus, the control system 9 would transmit the same voice services regarding the particular exhibit to those users and also.*

Albukerk et al. (US 5929848) teach that the exhibits continuously transmit voice services for user device. So, two or more users at substantially same location would be able to receive the same voice services." The seemingly gratuitous citation to Albukerk notwithstanding, Appellants have exhaustively addressed the Examiner's insistence on dismissing the plain disclosure of Allinger in favor of his personal belief that two users standing at the same location must, for some unfathomable reason, receive the same voice service. No, they don't. They receive different, personalized voice services.

For all of the above reasons, Appellants submit that Allinger does not in fact disclose each and every limitation of claim 1 nor render them obvious, and thus respectfully request that the Examiner be reversed on Appeal and claim 1 passed to issue.

Claims 2-6, 8, 10-12, and 16 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2-6, 8, 10-12, and 16 are also allowable and Appellants respectfully request that these claims be passed to issue.

Claim 19 is an apparatus claim that corresponds generally to method claim 1. Appellants thus submit that the previous discussion of Allinger is equally relevant and dispositive of the novelty and non-obviousness of claim 19 over Allinger and respectfully request that claim 19 likewise be passed to issue.

Claims 20, 22-24, 26, and 28-30, and 34 depend from claim 1, and for this reason claims 20, 22-24, 26, and 28-30, and 34 are also allowable and Appellants respectfully request that these claims be passed to issue.

Issue 2: Whether claims 16 and 34 are patentable under 35 U.S.C. 103(a) over Allinger.

On page 7, section 16 of the Office Action of April 28, 2005, the Examiner rejects claims 16 and 34 under 35 U.S.C. 103(a) as being unpatentable over Allinger.

Claims 16 and 34 depend from claim 1 and 19, respectively. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re*

Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1 and 19, Appellants submits that claims 16 and 34 are also allowable.

Issue 3: Whether claims 9 and 27 are patentable under 35 U.S.C. 103(a) over Allinger in view of WO 00/30329 to Scott (hereinafter “Scott”).

On page 8, section 18 of the Office Action of April 28, 2005, the Examiner rejects claims 16 and 34 under 35 U.S.C. 103(a) as being unpatentable over Allinger in view of Scott.

Claims 9 and 27 depend from claim 1 and 19, respectively. Therefore, in light of the above discussion of claims 1 and 19, Appellants submit that claims 9 and 27 are also allowable. Appellants further wish to state on the record that they do not agree with the Examiner that Scott is analogous art to Allinger.

Issue 4: Whether claims 7, 21 and 25 are patentable under 35 U.S.C. 103(a) over Allinger in view of U.S. Pat. No. 6,144,991 to England (hereinafter “England”).

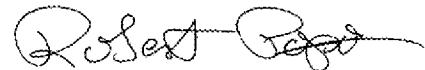
On page 10, section 21 of the Office Action of April 28, 2005, the Examiner rejects claims 7, 21 and 25 under 35 U.S.C. 103(a) as being unpatentable over Allinger in view of England.

Claim 7 depends from claim 1, and claims 21 and 25 depend from claim 19. Therefore, in light of the above discussion of claims 1 and 19, Appellants submit that claims 7, 21 and 25 are also allowable. Appellants further wish to state on the record that they do not agree with the Examiner that England is analogous art to Allinger.

CONCLUSION

In view of the extensive reasons advanced above, Appellants respectfully contend that each claim is in fact novel and patentable. Therefore, reversal of all rejections and objections and re-opening of the prosecution is respectfully solicited.

Respectfully submitted,



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Attachments

Claims Appendix

1. A method of voice interaction with a group of one or more entities, comprising:

upon a user approaching any entity of the group, automatically initiating provision of a group-related voice service to that user by joining the user into a communication session established for the service and common to all users of the voice service, the voice service being hosted by a voice-service system with each user that is joined to the session communicating with the voice-service system over a respective communication channel for voice input and output;

managing the voice service as a single common dialogue interaction with all the users joined to the session, each such user hearing at least some of the same voice-service output as all other users.

2. A method according to claim 1, wherein the voice service selects voice input from one user at any one time in order to determine its next voice output.

3. A method according to claim 2, wherein users do not hear voice input from other users except for the voice input selected by the voice service.

4. A method according to claim 2, wherein the voice service selects the voice input from each user currently joined to the session on a sequential basis.

5. A method according to claim 2, wherein the selected voice input is the first input received in response to a completed voice output turn by the voice service.

6. A method according to claim 2, wherein the voice service content is divided into sections each comprising at least one voice input and at least one voice output, the user providing the selected voice input being kept the same throughout the delivery of a section.

7. A method according to claim 1, wherein each user connected to the session hears voice input from all other such users and all voice output by the service.

8. A method according to claim 1, wherein the service provides voice output specific to a particular entity of said group, this output being provided only to the users near that entity.

9. A method according to claim 1, wherein the voice service is effected by the serving of voice pages in the form of text with embedded voice markup tags to a voice browser of the voice service system, the voice browser interpreting these pages and carrying out speech recognition of selected user voice input, text to speech conversion to generate voice output, and dialog management; the voice browser being disposed between a voice page server and an arrangement for selecting voice input from amongst the input received from all users and for distributing to the users the voice output of the voice browser.

10. A method according to claim 1, wherein the initiating of service provision is effected by the transfer of service contact

data to user equipment carried by the user, the user equipment then using the contact data to contact the voice service over a wireless connection.

11. A method according to claim 1, wherein the initiating of service provision is effected by the transfer of user contact data from user equipment to a receiving device in the vicinity of the entity concerned, the user contact data being passed from the receiving device to the voice service to enable the latter to contact user equipment over a wireless connection.

12. A method according to claim 1, wherein the initiating of service provision is effected by determining the relative locations of the user and said entities and initiating the voice service only when the user moves close to a said entity.

16. A method according to claim 1, wherein voice service sound output to at least one user joined to the communication session is through multiple sound output devices in the form of headphones worn by the user and controlled in dependence on the relative positions of the user and entity and rotations of the user's head so that the sound output appears to emanate from the location of said local entity independently of the user's position and head orientation relative to the entity.

19. A system for enabling verbal communication on behalf of a group of one or more entities with nearby users, the system comprising:

for each user, user-carried equipment comprising an audio output arrangement, an audio input arrangement, and a communications subsystem;

a voice service arrangement for providing a group-related voice service, the voice service arrangement comprising:

a communications subsystem for establishing respective communication channels with each user-carried equipment for user voice input and voice-service output,

a session control arrangement for joining multiple users into a communication session established for the service and common to all users of the voice service, and

a dialogue interaction manager for managing the voice service as a single common dialogue interaction with all users joined to the session whereby to enable such users to contemporaneously hear at least some of the same voice-service output;

a service initiation arrangement for automatically initiating voice service delivery to a user approaching any entity of said group by causing said session control arrangement to join the user to the communication session of the voice service with a communication channel being established between the user's equipment and the voice service arrangement.

20. A system according to claim 19, wherein the voice service arrangement further comprises an input selection arrangement for selecting voice input from one user at any one time for use by the dialogue interaction manager in determining its next voice output.

21. A system according to claim 20, wherein the voice service arrangement is operative only to pass on voice input from any user to other users when that voice input is selected by the

input selection arrangement for use by the dialogue interaction manager.

22. A system according to claim 20, wherein the input selection arrangement is operative to select voice input from each user currently joined to the session on a sequential basis.

23. A system according to claim 20, wherein the input selection arrangement is operative to take as the selected voice input the first input received in response to a completed voice output turn by the voice service.

24. A system according to claim 20, wherein the voice service content is divided into sections each comprising at least one voice input and at least one voice output, the dialogue interaction manager being operative to keep unchanged the user providing the selected voice input throughout the delivery of a section.

25. A system according to claim 19, wherein the voice service arrangement is operative to pass to each user connected to the session voice input from all other such users and all voice output by the service.

26. A system according to claim 19, wherein the voice service arrangement is arranged to provide voice output specific to a particular entity of said group and to provide such output only to the users near that entity.

27. A system according to claim 19, wherein the voice service arrangement further comprises:

- a voice page server for serving voice pages in the form of text with embedded voice markup tags; and
- a voice browser comprising:
 - a speech recognizer for carrying out speech recognition of user voice input received as voice signals;
 - a dialog manager, for effecting dialog control on the basis of output from the speech recognizer and pages served by the voice page server; and
- a text-to-speech converter operative to convert voice pages into voice output signals under the control of the dialog manager;

the voice browser being operatively disposed between the voice page server and the session control arrangement.

28. A system according to claim 19, wherein the service initiation arrangement comprises a transfer arrangement for transferring service contact data to said user-carried equipment, and a contact arrangement at the user equipment for using the contact data to contact the voice service arrangement using said communication subsystem of the equipment.

29. A method according to claim 19, wherein the service initiation arrangement comprises a receiving device in the vicinity of the or each entity, and a transfer arrangement for transferring user contact data from user equipment to the receiving device, the receiving device being operative to pass the contact data to the voice service arrangement to enable the latter to contact the user equipment over a wireless connection.

30. A method according to claim 19, wherein the service initiation arrangement comprises a comparison arrangement for determining and comparing the locations of the user and said entities, and an arrangement for initiating the voice service only when the user moves close to a said entity as determined by the comparison arrangement.

34. A system according to claim 19, wherein said audio output arrangement comprises for at least one user, multiple sound output devices in the form of headphones of user-carried equipment, and a controller operative in dependence on the relative positions of the user and entity and rotations of the user's head, to control the voice-service sound output provided via said headphones such that the sound output appears to emanate from the location of said local entity independently of the user's position and head orientation relative to the entity.

37. A method according to claim 1, wherein said group comprises multiple entities each located at a different respective location, users at or near different ones of the entities being joined into the same said communication session.

38. A system according to claim 19, wherein said group comprises multiple entities each located at a different respective location, the system being arranged to join users at or near different ones of the entities into the same said communication session.

Evidence Appendix

There is no evidence submitted with the present Brief on Appeal.

U. S. Appln. No. 09/990,766

Brief on Appeal dated November 3, 2008

In support of Notice of Appeal submitted June 30, 2005

Related Proceedings Appendix Page C-1

Related Proceedings Appendix

There are no other appeals or interferences related to the present application.